

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	DOCKET NO. 3:13CR118
)	
v.)	
)	ORDER
)	
JAMES HARVEY MASON)	
_____)	

Upon motion of the Acting United States Attorney for the Western District of North Carolina, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the Court hereby grants leave to the United States to dismiss and hereby Orders the dismissal of the above-captioned Bill of Indictment without prejudice, and in support thereof, states the following:

1. The instant indictment was returned against the Defendant on April 18, 2013.
2. On June 27, 2014, Defendant pled guilty to a Bill of Information in *United States v. Mason*, 3:14-cr-122. Defendant's plea agreement in 3:14cr122 provides that the instant indictment will be dismissed at Defendant's sentencing hearing in 3:14cr122.
3. The final presentence report in 3:14cr122 was completed on May 1, 2015. This Court scheduled the sentencing hearing for May 20, 2015 – at which time the Government would have moved to dismiss the indictment, pursuant to the plea agreement. However, the Government's victim notification personnel erred and did not inform the approximate 380 victims of the sentencing hearing on May 20th. Accordingly, the Government moved to continue the sentencing hearing to allow for victim notification in accordance with 18 U.S.C. § 3771.

4. Because the instant Bill of Indictment is aged, because Defendant has pled guilty to 3:14cr122, and because the delay in sentencing in 3:14cr122 is due to the Government's error, it is just and appropriate to dismiss the instant Bill of Indictment.

5. Defendant has no objection to this dismissal.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

